



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405558

Applicant Name: Mark Evans, Architect, for First Hill Skygarden LLC

Address of Proposal: 1321 Seneca Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a 22-story, 97-unit residential building with parking for 146 vehicles in a five level, below grade garage. Project includes demolition of a vacant office building.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

Special Exception – To allow additional height above the base height limit of 160 feet up to a maximum of 240 feet. Chapter 23.44.066 SMC.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

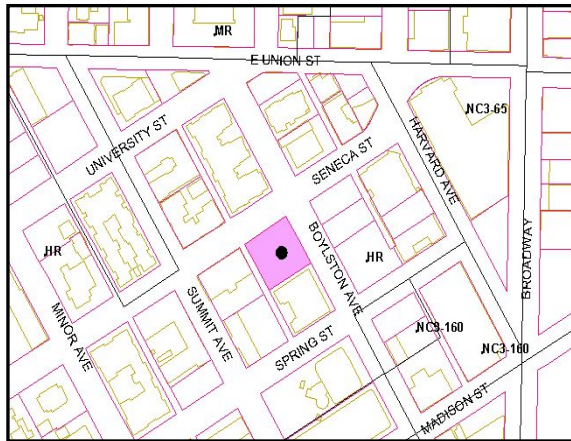
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Early DNS Notice published March 24, 2005.

BACKGROUND DATA

Project and Site Description

The applicant proposes a 22-story residential building with a below grade parking garage. Sited at the southwest corner of Seneca Street and Boylston Avenue on First Hill, the proposed



structure would rise 240 feet from a relatively flat site. The Highrise zone (HR) has a height limit of 160 feet with an allowance of 80 additional feet of height if the applicant meets public benefit criterion outlined in Chapter 23.45.066B of the Land Use Code.

The applicant presented three massing options (all 240 feet in height) at the Early Design Guidance meeting on January 19, 2005. Each represented a version of a “skygarden” concept in which landscaped terraces or patios rise from the base of the structure and project from the building core. Option One illustrated a three story base of

townhouses fronting both major streets with a vertical stack of pentagon shaped terraces projecting outward from three solid shafts rising above the plinth. The second option preserved the proposed townhouses along Boylston Avenue and created open space on Seneca St. The shaft weaves solid (the units) with void (the skygarden terraces) and oriented the vertical gardens to the city’s north/south street grid that forms at East Union St. and Broadway. In plan, the third option resembled a pinwheel with a service and circulation core and four highly articulated shafts of residential units (some units are double height) spinning off from the core.

Three of the shafts responded to the downtown street grid that defines much of First Hill. The western most residential shaft (with views to downtown) splayed off from the others and echoed the north/south city grid that extends beyond downtown. The skygarden terraces comprise the interstitial spaces between the four shafts. In plan the terraces composed a circular form to complement the pinwheel design of the residential shafts. The third option had its formal pedestrian entrance on Boylston St. with approximately 1,900 square feet of open space stretched along Seneca St. and bisected by an entry walkway. Three townhouses would face Boylston Ave. Due to the proposal’s height and the relatively few high rises in the neighborhood, the structure would have expansive views in most directions.

By the Recommendation Meeting, the design strategy for option # 3 had been refined based on the earlier guidance. To achieve the 80 feet increase in height, the applicant proposed to contribute a specific monetary sum to the preservation of Seattle First Baptist Church and to establish a public plaza on Seneca Street. The design of the plaza showed proposed right of way improvements seamlessly integrated into the open space. Another feature of the proposal included a large inverted cone shaped cistern at the roof to capture rainwater for irrigation of the garden terraces. The proposal would require the demolition of a vacant, two-story building on site.

Vicinity

First Hill rises above downtown Seattle and comprises a mix of older stately homes and apartment buildings with a plethora of structures housing support for several major medical institutions. The graciousness of Seattle's historic neighborhood and the transformations wrought by a medical service economy stand starkly juxtaposed in the surrounding vicinity. Landmarks such as the Stimson Green Mansion, First Baptist Church, the Northwest School and Firehouse No. 25 Condominiums and many four to five story apartment buildings contrast with high rise apartment condominiums and a variety of medical clinics. First Hill Park lies at the corner of University Street and Minor Ave. approximately 2.5 blocks from the project site.

The immediate area surrounding the subject parcel has a similar Highrise zoning. To the north across E. Union St., the zoning classification shifts to Midrise (MR). At Madison, St., Neighborhood Commercial Three with a 160 foot height limit lines the arterial on both sides of the street. The HR designation gives way to NC3 with a 65 foot designation (NC3 65) on the east side of Harvard Ave.

The First Hill Neighborhood Plan does not directly address the specific project site. The Plan targets Seneca St., considered a key pedestrian street, for pedestrian scale lighting and crossing improvements.

Public Comments

Fourteen members of the public signed in at the Early Design Guidance meeting. Major issues included doubts as to whether the skygarden concept would successfully work on the north side of the building, the owner's commitment to maintaining the plantings, visually inelegant incursions into the terraces (bikes, grills, laundry etc.), and the need for an initial landscape plan for the skygardens. Citizens questioned the applicant's idea for setback averaging. Setbacks seem to be in the interest of greater height and the applicant's desire for large tenant spaces rather than the effects upon the neighborhood. The Summit (a retirement complex) on First Hill was mentioned as a good example of a base that meets the sidewalk with a residential tower that is setback from the street.

Other issues focused on the quality of landscaping in the proposed open space along Seneca St. The bisection of the open space by the entry walkway diminishes its spaciousness and serves to privatize it for use only by the building tenants. The open space along Seneca should be quite elegant similar to other small parks and open spaces on First Hill. The building design and materials, particularly at the base, should reflect its surrounding context and draw upon First Hill's rich historical texture. Use red brick and capture the scale of the four and five story apartment buildings in the neighborhood.

Also maintain the Code required setback to the south to ensure light and air for the residents of the adjacent building. The architect should produce a building shadow study comparing the impacts of the two possible heights of 160 feet and 240 feet. Others at the meeting spoke of the need for added sewer line capacity in the area and the need to meet sustainable design principles. Should the owners negotiate an arrangement for public benefit features in order to receive a height bonus, the money should be directed to projects or institutions in the neighborhood.

Another member of the audience described the nearby two metro bus stops and urged the applicant to work with Metro to consolidate and relocate the bus stops to the right-of-way in front of the proposed building.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on January 19, 2005. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A. Site Planning

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

First Hill possesses all the attributes of a sophisticated urban neighborhood. The proposed building design should acknowledge and reinforce the best of these urban qualities. Gracious gardens, townhouses with stoops, ornamental iron work for fences and urban hardware, appropriately placed pavers can contribute to the habitability of the neighborhood.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The proposed gardens and terraces on the north side of the building remain problematic as to their success. Although the selection of certain types of plants could thrive, it is questionable whether the residents and visitors (in the case of the ground level open space) would find these gardens worth occupying. The Board members want the applicant to rethink the location of the skygarden terraces to take better advantage of the sun. The Board requested that the applicant modify the design to house the skygardens in the western oriented shaft.

A-10 Corner Lots. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The townhouses in the third option should turn the corner and front onto Seneca Street as well as Boylston Ave. Additional townhouses could occupy most of the areas designated for concierge, security and lounge facilities.

B. Height, Bulk and Scale.

B-1 Height, Bulk and Scale. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The proposed scale of the building competes against the neighbors. It proposes excessive bulk both at the lower levels and the shaft above the plinth. Along Seneca St. the shaft rises directly from the ground to the very upper levels (23 floors) when nearly all the buildings along Seneca are not more than four or five floors in height. The Board observed that the western oriented shaft should not need to meet the ground thus freeing the street level for additional open space or townhouses. The proposed townhouses along Boylston should be successful because the shaft is set back from the lower levels. In general, the Board desires to see a more elegant shaft that culminates gracefully at the top.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

First Hill's strong architectural context should be honored. The applicant should observe the urban elements and architectural detailing that embody the neighborhood and incorporate them in the design. In sum, the proposed building should add to not subtract from the rich character of the neighborhood.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board appreciates the strong design concept. Design development should not merely elaborate the concept but modify the parti in response to the guidelines outlined by the Board. The garden terraces should capture the southern and western exposures and avoid producing large cave-like terraces on the north which would receive minimal light. Leave the skygardens open (void space) rather than enclosing them as greenhouses. If the balconies truly express the idea of a skygarden, the landscape design should ensure that plantings and vegetation are in place from initial occupancy and are maintained for the life of the project. Beyond the macro level, the design presented at the next meeting should demonstrate how detailing and architectural ornamentation fulfill the skygarden concept.

The architectural and material expression of each shaft should be defined and shaped by how it captures light and views. The skygarden concept lends itself to utilizing sustainable design features. The Board encourages the exploration of techniques and technology as appropriate to the building.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The salient building materials found in the neighborhood should be used in the building base. It is possible to utilize other materials for the shaft.

Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

See A-4, A-7 and E-2.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

E. Landscaping.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Consistent with the skygarden concept is the offering of truly high quality landscaping. The open space and gardens along the streets and the upper level terraces should have landscaping elements and conditions that enhance the skygarden idea and that are maintained for the life of the project. The Board added that the open space on the ground should be larger and truly useable. This includes the open spaces along Seneca Street and the proposed area on the south side of the building that appears cut off from use.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on February 25, 2005.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on June 7, 2006 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, models and computer renderings of the proposed exterior materials were presented for the Board members consideration.

Public Comments

Twelve members of the public signed-in at the Recommendation meeting. Several comments focused on security of the open space along Seneca due to the homeless and those individuals

using the services of the methadone treatment center nearby. Other issues addressed potential shadows on First Hill Park, possible glare from the glass wall of the west façade, pedestrian lighting, and the lack of neighborhood open space and the lack of City funding for existing parks.

One letter discussed the lack of on-street parking and its negative consequences on this portion of First Hill.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Structure Width and Depth. Maximum floor plate of 100' in depth above 37'
2. Rear Setbacks. Height under 60' setback is 10'; over 60' setback is 20'
3. Side Setbacks. Setback varies between 10'-40' depending upon height.
4. Open Space. 25% of lot area for private ground level open space and 1.2 times the differential between 25% and 50% for upper level open space.
5. Open Space. Above-ground level open space shall be 37' or less above existing grade.

Recommendations

A. *Site Planning & Massing*

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The proposed integration of the public plaza and the sidewalk improvements was welcomed by the Board members. They felt that the success of the public plaza would be dependent on similar improvement to the sidewalk and strongly urged SDOT's approval of the proposal. Without the integration of the plaza and the sidewalk, the open space would appear smaller. To ensure that the project integrates common elements of the plaza (paving color and pattern, seating, plantings and overall concept) into the right-of-way improvements, the Board recommends that the design share common landscape elements between the public plaza and the Seneca St. right of way.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The design of the public open space met the Board's early guidance.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Board members debated whether the roof terrace should be oriented to the south rather than the north. No consensus emerged to shift the terrace's position from what the applicant presented in the packet and at the meeting.

A-10 Corner Lots. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board did not add to its comments from the Early Design Guidance meeting.

B. Height, Bulk and Scale.

B-1 Height, Bulk and Scale. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

Based on the early design guidance, the architects raised the structure's west shaft on pilotis and freed the ground level for additional open space. The Board did not expand upon its earlier comments.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board did not expand upon its earlier comments.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board urged the applicant to make the green elements of the structure (the roof cistern and the irrigation system) more overt or apparent.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board noted that the use of the brick on the upper facades lacked weight or substance. The amount of brick and its application appeared to the Board as simply decorative or pastiche in an effort to acknowledge the neighborhood character.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The design of the public plaza met with approval; however, the Board recommended that the proposed improvements to the right-of-way on Seneca St. must share common landscaping

elements with the public plaza. Without this, the public plaza would seem smaller and less consequential.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Safety or security concerns were acknowledged; the Board expressed its satisfaction with the amount of seating available to the public and its orientation on the plaza.

E. Landscaping

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The landscaping design met the Board's expectations. The Board requested that the proposed right-of-way improvements would not be dismissed or reduced by SDOT.

Board Recommendations: The recommendations summarized below were based on the plans and models submitted at the June 7, 2006 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the June 7, 2006 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans, renderings and models, the four Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

| STANDARD | REQUIREMENT | REQUEST | JUSTIFICATION | RECOM-MENDATION |
|--|--|--|--|-----------------|
| 1. Highrise structure width and depth SMC 23.45.068 | Maximum structure width and depth above 37' is 100' on floors 4-17. | Maximum width exceeds 100' by 8' on floors 4-17. Maximum depth exceeds 100' by 2'4" on floors 4-13. Maximum depth exceeds 100' by 1'8" on floors 14-15. | <ul style="list-style-type: none"> To achieve deep articulation of building form necessary to accommodate the recessed terraces. | Approved |
| 2. Highrise Setbacks. SMC 23.45.072 | <u>Rear Setback</u> Height under 60' = 10' setback. Height over 60' = 20' setback. | Allow setback averaging of rear setbacks. Front setback (Boylston Ave) encroachment is 2,790 sq. ft. (includes all floors). Rear (alley) setback encroachment is 629 sq. ft. Total floor area is 1,792 sq. ft. (1%) greater than what is allowed per the zoning envelope. | <ul style="list-style-type: none"> Setback averaging allows highly articulated building modulation and upper level setbacks and terracing of the structure. Creates a dynamic and visually interesting form. | Approved |
| 3. Highrise Setbacks. SMC 23.45.072 | <u>Side Setback</u> Side setback varies between 10' -40' depending on height. | Allow setback averaging of side setbacks. | <ul style="list-style-type: none"> Setback averaging allows highly articulated building modulation and upper level setbacks and terracing of the structure. | Approved |

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|--------------------------------|--|---|---|----------|
| | | | <ul style="list-style-type: none"> Creates a dynamic and visually interesting form. | |
| 4. Open Space SMC 23.45.074 | 25% of lot area for private ground level open space and 1.2 times the differential between 25% and 50% for upper level open space. Required open space at grade is 3,600 sq. ft. | 19% private open space at grade. (2,773 sq. ft.). 13% public open space at grade. (1,830 sq. ft.). Meets upper level open space requirements. | <ul style="list-style-type: none"> Public open space at grade established to meet optional height bonus requirements. High quality landscaping at open space and higher quality improvements to right-of-way. | Approved |
| 5. Open Space SMC 23.45.074 | Above-ground level open space shall be 37' or less above existing grade. 5,313 sq. ft. required. | Allow open space over 37' above existing grade to qualify as open space. 925 s.f. below 37'. 2,221 s.f. up to level 6. 2,256 s.f. roof terrace 16,868 above level 6 – 22. | <ul style="list-style-type: none"> Exceeds amount of required open space. Enhances skygarden concept. Green roof features. Total above ground open space is 22,270 s.f. | Approved |

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Ensure that the public plaza and the right-of-way improvements along Seneca Street shares common landscape elements (paving material, color and pattern, seating, and plantings) and appear as one overall concept as shown in the landscape plans (see 11 x 17 Recommendation Meeting packet). (A-2, A-4, D-1, E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines. The Director finds that the Board's request to fund improvements to First Hill Park based on the possibility that SDOT would not approve specific improvements to the Seneca Street sidewalk to complement the public plaza exceeded its authority in requiring project development beyond the immediate vicinity of the project site. . In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SPECIAL EXCEPTION

The allowable height limit of structures in areas zoned Highrise is 160 feet. Section 23.45.066B Seattle Municipal Code (SMC), however, allows additional height above the base height limit of 160 feet up to 240 feet in the Highrise zone as a special exception. In order to qualify, the applicant must comply with the following general provisions: the applicant must provide for adequate spacing between existing or proposed towers, 1) in order to minimize blockage of

views from public spaces and 2) to minimize the casting of shadows on public places. If these provisions are met, additional height above 160 feet may be allowed by supplying a public benefit in one, or in any combination of three, categories: 1) provide or preserve low-and/or moderate-income housing, 2) provide landscaped, public open space, or 3) preserve structures of architectural and historical significance.

The applicant seeks additional height for the proposed new tower under two of the above categories: when new multifamily developments preserve structures of architectural or historical significance and provide landscaped, public open space. The applicant proposes a 97 unit residential tower, thus meeting the new multifamily development criteria. In order to qualify, the applicant shall comply with the following provisions (related analysis provided after each section):

- 1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.*

The applicant has demonstrated that the proposal allows for adequate spacing between the existing and the proposed tower, that there is minimal blockage of views from public spaces. From First Hill Park, views would not be disrupted by the construction of the proposed tower. In addition, the applicant has demonstrated, by providing shadow diagrams (per SMC 23.45. 066 B 1), that the proposed design minimizes the casting of shadows on the nearest public space First Hill Park. Because of the height and width of the proposed new tower, there could be substantial shadows cast by the structure seasonally and hourly relative to the position of the sun. The shadows, however, would incrementally add to a shadow pattern already in play at certain times and seasons from larger structures on First Hill.

The design of the tower has improved from the early concept designs, as a result of the iterative Design Review process. The design guidance of the Design Review Board and the successful responses on the part of the architects and applicant have resulted in a competent design that mitigates the height, bulk and scale impacts and creates a human-scale, pedestrian friendly element of the streetscape. The final proposed configuration of the tower, in the estimation of the Design Review Board, provides as an architectural element in the neighborhood skyline that is both compatible with the neighborhood and pleasantly distinctive in its own right.

As an HR zone area, the neighborhood immediately surrounding the project site includes other high-rise buildings such as First Hill Plaza, one block to the south, and The Summit. The larger First Hill area includes a number of institutional and residential high-rise such as Virginia Mason and Swedish Hospitals. Recently proposed high-rise development projects, Presbyterian Retirement Communities (Skyline), Frye Tower and Horizon House, have sought and received extra building height through bonuses available under the Code.

2. *Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 15.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.*

Seattle First Baptist Church building received Seattle Historic Landmark designation in December 1981 (City Ordinance 110351.).

The Nisqually earthquake caused structural damage to the Church building. Repair of such structural damage, and corresponding repair of the building facades, tower and other historic elements are “measures necessary to sustain the existing form, integrity and materials” of the church building. All components of the work planned to restore, rehabilitate, and maintain the Church Building meet the definition of preservation activities set forth by the guidelines. The applicant has documented the damage and the architectural and engineering work needed to repair and preserve the church in an analysis provided to DPD.

3. *The significant structure to preserve may be located either on the project site or within the immediate vicinity.*

Seattle First Baptist Church is located at Harvard Avenue and Seneca St. one block northeast from the project site.

In order to comply with the land use code public open space requirements for an additional 40 feet, the applicant must meet the following (Criterion 4):

1. *Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.*

The applicant proposes a 1,830 square foot unfenced and accessible landscaped public open space. A written recorded agreement (covenant or easement) with the city of Seattle will ensure that the space remains publicly accessible in perpetuity.

2. *The open space may be provided on-site or in the immediate vicinity of the project.*

The proposed landscaped public open space would be located on the subject site’s western corner adjacent to and incorporating the Seneca Street sidewalk.

3. *The location of the open space shall enhance street-level activity by providing: a) A focal point in a highly dense or active area; and or b) A unique amenity suited to the area of public benefit; and c) Better pedestrian access and siting of an existing public facility or historic landmark.*

A water walk (large pavers spaced evenly across a shallow pool) that follows the arch of the facade comprises the plaza’s focal point. Seating rocks aligned on radial spokes that emanate from an imaginary center point within the building would attempt to provide a sense of dynamism to the plaza generated by the building form.

4. *The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.*

The proposed landscaped public open space appears of a sufficient size (1,830 sq. ft.) to allow the public to congregate on the benches and to watch or interact with the water walk that extends for approximately 50 feet. The western wing of the proposed structure projects over a portion of the plaza providing shade. Pedestrians on the Seneca St. sidewalk have the option of passing through the space, making it an active part of the neighborhood. Adjacency to proposed private open spaces on site visually extends the space beyond its actual dimensions.

5. *The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.*

The design concept for the proposed landscaped public opens space adds to the intimate gardens and mature greenery on First Hill with perimeter planting and tall specimen trees adjacent to the sidewalk. The space's orientation at an open angle to the sidewalk aligns itself with the north-south city street grid and the building form.

6. *Public open space and equipment located there shall be designed to provide safety and security for user groups.*

The proposed landscaped public plaza would be highly visible from the street and integrated with the Seneca St. sidewalk. Pedestrian traffic entering and exiting the tower would also provide more eyes on the street and plaza. The arrangement of a series of stone benches creates a visual connection or interchange between the public right of way and the proposed plaza.

7. *The open space shall be designed so that its solar exposure encourages its use.*

The location at the site's west corner provides the best orientation for afternoon sun. This may be hindered somewhat by the large overhang of the structure's west wing which would likely create shade underneath it and cast a shadow over a portion of the plaza, but the overall design satisfies this criterion.

8. *Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.*

The open space is located adjacent to the Seneca sidewalk and removed from the street. A planting barrier separates the alley from the open space.

9. *The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.*

The plaza would serve as a pleasant diversion from the sidewalk rather than as a shortcut or alternative pedestrian path. Ample space would be provided for active engagement with the water walk.

For these reasons, the Director concludes that the design of the project merits approval of the requested height exception.

DECISION - SPECIAL EXCEPTION

The special exception increasing height from 160' to 240 feet is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated February 25, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be

subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:30 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning

authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

An excavation to construct the lower level of the structure will be necessary. The maximum depth of the excavation is approximately 53 feet and will consist of an estimated 27,000 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately 21 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 2,700 round trips with 10-yard hauling trucks or 1,350 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Seneca St. and Boylston Ave. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased light and glare; and removal of a building at least fifty years old.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an

approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal height, bulk and scale and traffic and parking impacts warrant further analysis.

Height, Bulk and Scale

The proposed project complies with height requirements in SMC 23.45.066, which permits an 80 height bonus in a Highrise zone when meeting specific provisions. The proposal was also subject to the city's Design Review process. The Capital Hill / First Hill Design Review Board twice reviewed the project including several massing options that the applicant presented at the Early Design Guidance meeting. On June 7, 2006, the local design review board made its recommendations to DPD.

Traffic and Transportation

The proposed project would generate approximately 405 new daily trips and 37 of these new trips would be during the weekday PM peak hour. This figure would be slightly reduced by calculating the peak hour trips that would have been generated by the existing commercial building on the site. The project, therefore, is not expected to result in adverse impacts to local area traffic operations that would warrant mitigation.

Parking

Thirteen surface parking spaces currently exist on-site. Parallel, on-street parking is available on both Seneca St. and Boylston Ave.

The project would include a 146-space below grade parking garage accessed from the alley off Seneca St. These spaces would be reserved for residential tenants. Residential parking demand was estimated based on the number of apartment units and the average peak parking demand rate published in Parking Generation (ITE, 3rd Edition, 2004) for a "high-rise apartment".

Multiplying the size of the project (97 units) by the average peak parking demand rate for a high-rise apartment building (1.37 vehicles per dwelling unit), the peak parking demand is estimated at 133 vehicles.

Thus, the proposed 146 parking spaces would both exceed the City's minimum requirements and accommodate the project's anticipated peak parking demand. No project-generated parking impact is anticipated.

Historic Preservation

A two-story commercial building occupies the site. (formerly a medical office building). Because its age exceeds 50 years, the building warrants review for historic and architectural significance. Based on its analysis of the building proposed to be demolished, the Department of Neighborhoods has determined that the building does not meet the standards for designation as a landmark.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Ensure that the public plaza and the right-of-way improvements along Seneca Street share common landscape elements (paving material, color and pattern, seating, and plantings) and appear as one overall concept as shown in the landscape plans

Non-Appealable Conditions

2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 206.615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 206.615-1392), or by the Design Review Manager.
4. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Final Approval

5. Schedule an appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

CONDITIONS-SPECIAL EXPECTATION

Prior to Issuance of a Building Permit

6. An approved written agreement with or dedication to the city of Seattle must ensure that the public open space remains publicly accessible in perpetuity. Signage in the park will declare the park's status as a public open space.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

7. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
8. Submit a construction traffic management plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, and sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 P.M.

During Construction

9. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

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10. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - A. Non-holiday weekdays between 7:30 A.M and 6:00 P.M.

- B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities and based on a DPD approved construction noise mitigation plan and public notice program outlined in the plan.
- C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Signature: (signature on file) Date: July 10, 2006
Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development

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